

DYNAMAC CORPORATION,)	AGBCA No. 2002-110-1
)	
Appellant)	
)	
Representing the Appellant:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

April 15, 2002

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge POLLACK.

This appeal arises out of Contract No. 1422-N660-C98-3003 and Delivery Order No. 43-8371-8-0117 to provide a Removal Preliminary Assessment (RPA) and a Limited Potentially Responsible Party Search for the Red River Watershed, between the U.S. Department of Agriculture, Forest Service (FS), Southwest Region, Albuquerque, New Mexico, and Dynamac Corporation, Rockville, Maryland.

The Board has jurisdiction of this timely-filed appeal pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. ' ' 601-613, as amended.

The dispute involved the quality of the reports, particularly as to sampling and testing, prepared by Dynamac under the contract. The FS paid the contractor on a cost reimbursable plus fixed fee basis. The FS charged that while it had paid Dynamac during the contract a total of \$126,813.12 for the work, the FS was entitled to reimbursement of that sum due to the alleged inferior quality of various

aspects of the report work. Dynamac denied the FS charges claiming first that to the extent there were defects, those defects were correctable and second that the FS had accepted and paid for Dynamac's work and therefore was legally precluded from seeking recovery. By final decision of November 2, 2001, the Contracting Officer sought reimbursement of the entire \$126,813.12.

The Board docketed the appeal on January 14, 2002. Thereafter, the parties engaged in discussions and reached a settlement of the dispute. By letter of March 11, 2002, Appellant's counsel requested dismissal of the appeal and provided to the Board a copy of the settlement agreement, signed by the parties on March 1 and 8, 2002.

DECISION

The parties have reached a settlement in this appeal. Accordingly, the appeal is dismissed with prejudice.

HOWARD A. POLLACK
Administrative Judge

Concurring:

JOSEPH A. VERGILIO
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
April 15, 2002